

III. REMARKS

Claims 1-9 are pending in this application. By this amendment, claim 1 has been amended herein. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

Entry of this Amendment is proper under 27 C.F.R §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Kiyohiko Niwa (US Patent No. 6,453,301), hereinafter “Niwa”.

Applicants have reviewed the Office Action in its entirety and the cited art (Niwa) which is alleged to anticipate the claimed invention and respectfully, but vehemently disagree with the Office. As a general position, Applicants do not find in the Office Action any specific and detailed cites and elements therein for being the alleged equivalent limitations in Niwa. Instead Applicants find various paragraphs cited from Niwa and merely general assertions by the Office mirroring claim language for

supporting the various rejections based on Niwa. As a general matter, Niwa addresses an entirely different problem and situation in network use, namely: using “fingerprint identification devices for conducting commercial transaction over a network” (See e.g., Title, Abstract, and Field of the Invention). Contrastingly, the claimed invention addresses sharing network access points and capacities between Internet Service Providers (See e.g., Title, Abstract, Field of the Invention). While not dispositive, it is certainly significant that the International and U.S. classes of Niwa and the instant application are wholly different.

In any event, with respect to claim 1, Applicants submit that Niwa fails to disclose or suggest each and every feature of the claimed invention, as is required under 102(a). For example, Niwa does not teach, or suggest, *inter alia*, “if said subscriber is authorized, establishing a connection, and *sharing network access capacity across the established connection between the master service provider and the client service provider.*” (Emphasis added)(See, claim 1). To the contrary, Niwa only discloses a method of using personal device with internal biometric (i.e., fingerprint identification device) in conducting transactions over a network between a consumer and website. See e.g., Title, Abstract. That is, there is no suggestion or teaching of, *inter alia*, sharing of network access capacity between service providers whatsoever.

The Office alleges that Niwa discloses, for example, the establishing a connection (impliedly between a master service provider and a client service provider) at column 3, lines 10-27. Office Action, item 4, page 6. Applicants have reviewed the cited section,

and Niwa in its entirety and find no teaching of a connection between service providers. In fact, the cited section merely discusses a connection between a customer and settlement bank in order to conduct an investment transaction. This cannot be construed to legitimately anticipate establishing a connection, and sharing network access capacity across the established connection between the master service provider and the client service provider, as in the claimed invention. Further, it is not clear to Applicants which specific features of Niwa, such as a “master service provider”, a “client service provider”, “point of presence”, and the sharing of network “access capacities”, anticipate the features in claim 1.

In view of the foregoing, Niwa does not disclose each and every feature of claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection.

With respect to dependent claims 2-9, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

Further regarding the rejection of claim 3, Applicants respectfully contend that Niwa does not teach a method “further comprising the step of determining a duration of the connections established by subscribers of said client service provider” (*see* claim 3). In justifying the rejection of claim 3, the Office only states “(col. 2, lines 45-59)” for supporting its alleged disclosure of the limitation. Applicants have read the cited section, and Niwa in its entirety, and find nothing remotely teaching, for example, any type of a

determination of duration of connections established by subscribers. In fact, the section offered by the Office is merely a summary section of the invention in Niwa that includes a method that allows a customer access to an account based on establishing a connection; request authentication based on fingerprint identification device; receiving authentication code and account number from the device; and permitting access if authentication code is valid. For example, the term “duration” is not even found in Niwa. Clearly, there is no teaching in Niwa of a method further comprising the step of determining a duration of the connections established by subscribers of said client service provider (i.e., claim 3). Accordingly, Applicants request withdrawal of the rejection of claim 3.

Further regarding the rejection of claims 4 and 5, Applicants respectfully contend that Niwa neither teaches a method that comprises a “step of determining a number of simultaneous connections established by subscribers of said client service provider” (*see* claim 4) nor a “step of determining if a new connection may be established for a subscriber of said client service provider is based upon a number of ports allocated to said client service provider” (*see* claim 5). In justifying the rejections for both claims 4 and 5, the Office only states “(col. 3, lines 10-27)” for supporting its alleged disclosure of both features. Applicants have read the cited section, and Niwa in its entirety, and find nothing remotely teaching, for example, any type of determination of the quantity of simultaneous connections nor of any type of a determining step that involves number of ports allocated. In fact, the section offered by the Office is merely a summary of an aspect of invention in Niwa which pertains to conducting an investment transaction over

the network while employing a fingerprint identification device. For example, with the exception of being in the phrase “establishing an electronic connection”, the term “connection” is never used in Niwa. Also, the terms “port”, “simultaneous”, “allocated”, and “subscriber” are not even found in Niwa. Clearly, there is no teaching in Niwa of either a step of determining a number of simultaneous connections established by subscribers of said client service provider (i.e., claim 4) or a step of determining if a new connection may be established for a subscriber of said client service provider is based upon a number of ports allocated to said client service provider (i.e., claim 5). Accordingly, Applicants request withdrawal of the rejection of claims 4 and 5.

Further regarding the rejection of claim 6, Applicants respectfully contend that Niwa does not teach a method “wherein said step of determining if a new connection may be established for a subscriber of said client service provider is based upon a connection time threshold associated with said client service provider” (*see* claim 6). In justifying the rejection of claim 6, the Office only states “(col. 4, lines 42-62)” for supporting its alleged disclosure of the feature. Applicants have read the cited section, and Niwa in its entirety, and find nothing remotely teaching, for example, a step of determining if a new connection may be established or of any type of connection time threshold. In fact, the section offered by the Office is merely a discussion of encryption, connection via USB interface, and the like. For example, the terms “threshold”, and “time threshold” are not even found in Niwa. Clearly, there is no teaching in Niwa of a method wherein the step of determining if a new connection may be established for a subscriber of said client

service provider is based upon a connection time threshold associated with said client service provider (i.e., claim 6). Accordingly, Applicants request withdrawal of the rejection of claim 6.

Further regarding the rejection of claims 7 and 8, Applicants respectfully contend that Niwa neither teaches a method “implemented in a RADIUS proxy, using RADIUS protocol” (*see* claim 7) nor “wherein said service provider identifier is a realm” (*see* claim 8). In justifying the rejection for both claims 7 and 8, the Office only states “(col. 2, lines 19-44)” for support for its alleged disclosure of both features. Applicants have read the cited section, and Niwa in its entirety, and find nothing remotely teaching the use of RADIUS protocol nor a realm as service provider identifier. In fact, the section offered by the Office is merely a summary of the invention in Niwa, which pertains not to RADIUS protocol or of realms in any discernable way but to using fingerprint technologies. The terms “RADIUS”, “proxy”, “protocol”, and “realm” are not even found in Niwa. Clearly, there is no teaching in Niwa of either a method implemented in a RADIUS proxy, using RADIUS protocol (i.e., claim 7) or wherein the service provider identifier is a realm (i.e., claim 8). Accordingly, Applicants request withdrawal of the rejection of claims 7 and 8.

Thus, the Office's citation is entirely conclusory. MPEP guidelines per 1.104(c)(2) of Title 37 of the Code of Federal regulations and section 707 of the MPEP state that “the particular part relied on must be designated” and “the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified”.

The Office has not identified which feature(s) of the Niwa patent are deemed to correspond to several of the features claimed as discussed herein. If the Examiner still believes that Niwa discloses the features, as claimed, then the Examiner is respectfully requested to specifically identify the feature(s) of Niwa that are deemed to anticipate the claimed invention. A vague reference to an entire column in a patent, where most of the column, if not all, does not even discuss the referenced subject matter does not clearly explain the pertinence of the reference and does not establish a *prima facie* case of unpatentability.

IV. CONCLUSION

In light of the above remarks, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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